

TEMKIN WIELGA & HARDT LLP

1900 Wazee Street, Suite 303
Denver, Colorado 80202

December 12, 2011

VIA EMAIL & REGULAR MAIL

Regional Freedom of Information Officer
U.S. EPA, Region 3
1650 Arch Street (3CG10)
Philadelphia, PA 19103
E-mail: r3foia@epa.gov

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the United States Environmental Protection Agency's ("EPA") FOIA implementing regulations, 40 C.F.R. Part 2, and any other applicable federal statutes, rules and regulations, Temkin Wielga & Hardt, LLP ("TWH") hereby requests the following records^{1,2} from EPA Region 3 (including the Region 3 Laboratory) related to EPA's investigation of water quality conditions in the Pavillion Field area in Fremont County, Wyoming:

1. All records associated with the drilling, installation, or sampling of the two EPA deep monitoring wells. This request includes all records related to the analysis of cuttings, drilling mud and drilling fluids from samples of them taken at the time of drilling; related to the analysis of water used during drilling, well development or sampling; related to the analysis of water used (during drilling, installation, or sampling) after the time at which it was delivered to the EPA deep well locations and/or after its on-site storage; and also those related to sample preparation and QA/QC for those analyses.
2. All records related to the source and preparation of the standards used for adamantane, 1,3-dimethyldamantane, 2-butoxyethanol, tris(2-butoxyethyl)

¹ "Records" as used herein is employed in its broadest sense and includes, but is not limited to, the original, each draft, and any non-identical copies of any written, recorded, electronic or graphic material of any kind, whether prepared by you or by any other person, that are in your possession, custody, or control or that of your agents, attorneys, or accountants.

² In accordance with the President's directive in the January 21, 2009 Memorandum For The Heads of the Executive Departments and Agencies, EPA is required to provide records in a "form that the public can readily...use." Thus, please provide these records in their original form and in a format that can be manipulated.

phosphate, squalene, and terpinol in water samples taken from the Pavillion Field area.

3. All records of the analytical method development done by the Robert S. Kerr Environmental Research Center ("Kerr"), Shaw Environment and Infrastructure Inc. ("Shaw"), Region 3, or Region 8 for all methods used in connection with the Pavillion Field area, including how detection limits were set.
4. All records related to the discrepancies between the analytical results from Kerr or Shaw as compared with other laboratories that analyzed water samples from the Pavillion Field area, including records related to the discrepancies in the reporting limits and detections.
5. All records related to Region 3 laboratory reports for water samples from the Pavillion Field area, including the full laboratory reports.
6. All records related to Region 3 water samples from the Pavillion Field area, including chromatograms from the water sampling.
7. All records related to Region 3 mass spectra from water samples analyzed from the Pavillion Field area using GC/MS or HPLC methods and any documents that provide an explanation for the reason the chromatograms are not available.
8. All records reflecting communications within EPA Region 3 (including the Region 3 Laboratory) regarding the Pavillion Field area.
9. All records reflecting communications with personnel at EPA Region 8 (including the Region 8 Laboratory) regarding the Pavillion Field area.
10. All records reflecting communications with personnel at Kerr and/or Shaw regarding the Pavillion Field area.
11. All records reflecting communications with EPA Headquarters regarding the Pavillion Field area.
12. All records reflecting communications with ATSDR regarding the Pavillion Field area.
13. All records reflecting communications with EPA Region 8, Headquarters, EPA contractors, private individuals, news outlets, reporters or media representatives, non-profit organizations or advocacy groups, and government officials (including

Regional Freedom of Information Officer
U.S. EPA, Region 3
December 12, 2011
Page 3

local, state and federal executive or legislative branches) regarding the Pavillion Field area.

If any part of this/these record(s) is not produced based on a claim of privilege or other exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the dates of creation of the record; (iii) the subject of the record; (iv) identity of the author and all recipients of the record; (v) the names of all people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt material contained within such documents.

EPA has twenty (20) business days to respond to this FOIA request. TWH confirms its willingness to pay reasonable costs associated with searching for, and copying the requested material; however, should these costs exceed \$250, please contact me prior to proceeding.

Please contact me with any inquiries, notices or determinations at the address or telephone number above (or at 303-382-2901) or by email at brown@twhlaw.com.

Sincerely,

A handwritten signature in cursive script that reads "Nea Brown".

Linnea ("Nea") Brown